apply the labeling requirements to the product.

(3) If the Agency makes a decision to deny a petition to apply the requirements of this regulation to a product containing or manufactured with a class II substance, the Agency will notify the petitioner and publish an explanation of the petition denial in the FEDERAL REGISTER.

(4) If the Agency makes a decision to accept a petition to temporarily exempt a product manufactured with a class I substance from the requirements of this regulation, the Agency will notify the petitioner and publish a proposed rule in the FEDERAL REGISTER to temporarily exempt the product from the labeling requirements. Upon notification by the Agency, such manufacturer may immediately cease its labeling process for such exempted products.

(5) If the Agency makes a decision to deny a petition to temporarily exempt a product manufactured with a class I substance from the requirements of this regulation, the Agency will notify the petitioner and may, in appropriate circumstances, publish an explanation of the petition denial in the FEDERAL REGISTER.

§ 82.122 Certification, recordkeeping, and notice requirements.

(a) *Certification.* (1) Persons claiming the exemption provided in §82.106(b)(2) must submit a written certification to the following address: Labeling Program Manager, Stratospheric Protection Division, Office of Atmospheric Programs, 6205–J, 401 M Street, S.W., Washington, D.C. 20460.

(2) The certification must contain the following information:

(i) The exact location of documents verifying calendar year 1990 usage and the 95% reduced usage during a twelve month period;

(ii) A description of the records maintained at that location;

(iii) A description of the type of system used to track usage;

(iv) An indication of which 12 month period reflects the 95% reduced usage, and;

(v) Name, address, and telephone number of a contact person.

(3) Persons who submit certifications postmarked on or before May 15, 1993, need not place warning labels on their products manufactured using CFC–113 or methyl chloroform as a solvent. Persons who submit certifications postmarked after May 15, 1993, must label their products manufactured using CFC–113 or methyl chloroform as a solvent for 14 days following such submittal of the certification.

(4) Persons certifying must also include a statement that indicates their future annual use will at no time exceed 5% of their 1990 usage.

(5) Certifications must be signed by the owner or a responsible corporate officer.

(6) If the Administrator determines that a person's certification is incomplete or that information supporting the exemption is inadequate, then products manufactured using CFC–113 or methyl chloroform as a solvent by such person must be labeled pursuant to §82.106(a).

(b) *Recordkeeping.* Persons claiming the exemption under section 82.106(b)(2) must retain supporting documentation at one of their facilities.

(c) *Notice Requirements.* Persons who claim an exemption under §82.106(b)(2) must submit a notice to the address in paragraph (a)(1) of this section within 30 days of the end of any 12 month period in which their usage of CFC–113 or methyl chloroform used as a solvent exceeds the 95% reduction from calendar year 1990.

§ 82.124 Prohibitions.

(a) *Warning statement*—(1) *Absence or presence of warning statement.* (i) Applicable May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in §82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of §82.106(a) of this subpart, unless such labeling is not required under §82.102(c), §82.106(b), §82.112 (c) or (d), §82.116(a), §82.118(a), or temporarily exempted pursuant to §82.120.

(ii) On January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured

with or containing a class II substance that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in §82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of §82.106, unless such labeling is not required under §82.106(b), §82.112 (c) or (d), §82.116(a) or §82.118(a).

(2) *Placement of warning statement.* (i) On May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in §82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of §82.108 of this subpart, unless such labeling is not required under §82.102(c), §82.106(b), §82.112 (c) or (d), §82.116(a), §82.118(a), or temporarily exempted pursuant to §82.120.

(ii) On January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Administrator determines for a particular product manufactured with or containing a class II substance that there are substitute products or manufacturing processes for such product that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in §82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of §82.108 of this subpart, unless such labeling is not required under §82.106(b), §82.112 (c) or (d), §82.116(a) or §82.118(a).

(3) *Form of label bearing warning statement.* (i) Applicable May 15, 1993, except as indicated in paragraph (a)(5) of this section, no container or product identified in §82.102(a) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of §82.110, unless such labeling is not required pursuant to §82.102(c), §82.106(b), §82.112 (c) or (d), §82.116(a), §82.118(a), or temporarily exempted pursuant to §82.120.

(ii) On January 1, 2015, or any time between May 15, 1993 and January 1, 2015 that the Agency determines for a particular product manufactured with or containing a class II substance, that there are substitute products or manufacturing processes that do not rely on the use of a class I or class II substance, that reduce the overall risk to human health and the environment, and that are currently or potentially available, no product identified in §82.102(b) may be introduced into interstate commerce unless it bears a warning statement that complies with the requirements of §82.110, unless such labeling is not required pursuant to §82.106(b), §82.112 (c) or (d), §82.116(a), or §82.118(a).

(4) On or after May 15, 1993, no person may modify, remove or interfere with any warning statement required by this subpart, except as described in §82.112.

(5) In the case of any substance designated as a class I or class II substance after February 11, 1993, the prohibitions in paragraphs (a)(1)(i), (a)(2)(i), and (a)(3)(i) of this section shall be applicable one year after the designation of such substance as a class I or class II substance unless otherwise specified in the designation.

Subpart F—Recycling and Emissions Reduction

SOURCE: 58 FR 28712, May 14, 1993, unless otherwise noted.

§82.150 Purpose and scope.

(a) The purpose of this subpart is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act.

(b) This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. This subpart also applies to persons disposing of appliances, including motor vehicle air conditioners. In addition, this subpart applies to refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment.